

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

D. CHRISTIAN WISE,  
CHERYL WISE,

Court File No. \_\_\_\_\_

Plaintiff,

v.

**COMPLAINT**

MAYO CLINIC ROCHESTER, a Non Profit  
Corporation, d/b/a The Mayo Clinic,

Defendant.

---

**NOW COME** the Plaintiffs, D. Christian Wise and Cheryl Wise, by their attorneys, Mackenzie Law Office, P.A. and Ryberg Law Firm, S.C. and as and for a cause of action against Defendant, Mayo Clinic Rochester, a Non Profit Corporation, d/b/a The Mayo Clinic (hereafter Mayo Clinic) allege and respectfully show to the Court as follows:

1. That plaintiffs D. Christian Wise and Cheryl Wise are citizens of the State of Wisconsin, Eau Claire County.

2. That defendant Mayo Clinic is a Minnesota corporation engaged in the business of providing healthcare services.

3. That plaintiff D. Christian Wise received medical care and treatment in Rochester, Minnesota on August 26, 2011 and thereafter; care was provided to Mr. Wise of Eau Claire, Wisconsin by defendant Mayo Clinic.

4. That jurisdiction of this Court exists pursuant to 28 U.S.C. § 1332 in that the matter in controversy herein exceeds the sum of Seventy-Five Thousand and no/100ths

(\$75,000.00) Dollars, exclusive of interest, costs and disbursements and that the controversy is between citizens of different states.

5. That Dr. Thomas G. Osborn, practicing physician at Mayo Clinic, failed to exercise reasonable care in his care and treatment of D. Christian Wise and such failure resulted in damages for past and future health care expenses, past and future loss of earnings and past and future pain, suffering and disability.

6. That there was a failure of informed consent by Dr. Osborn as to D. Christian Wise and such failure represented a cause of damage and loss to plaintiff D. Christian Wise for the same kinds of losses as specified in paragraph 5.

7. That Cheryl Wise is spouse to Mr. Wise and has suffered a loss of society and companionship.

8. That plaintiffs' counsel has conducted an independent investigation of the facts, has had the facts and medical aspects of the claim reviewed by an expert who reasonably will be qualified to testify and will testify that the health care provider, Dr. Thomas G. Osborn, departed from the standard of care in one or more respects and such failure produced damages to plaintiffs. This averment is made according to Minn. Stat. § 145.682, subd. 3 (1986). Attached is an affidavit of plaintiffs' counsel.

9. A jury trial is demanded.

**WHEREFORE**, plaintiffs D. Christian Wise and Cheryl Wise seek damages against defendant Mayo Clinic Rochester, a Non Profit Corporation, d/b/a The Mayo Clinic for an amount in excess of Seventy-Five Thousand and no/100ths (\$75,000.00) Dollars together with their costs and disbursements herein.

Dated this 19<sup>th</sup> day of August, 2015.

100 Washington Ave. South  
Suite 1335  
Minneapolis, MN 55402  
(612) 371-3605

200 Riverfront Terrace, Suite 100  
P.O. Box 1999  
Eau Claire, WI 54702-1999  
(715) 833-9699

**MACKENZIE LAW OFFICE**

s/Reed K. Mackenzie  
Reed K. Mackenzie, (MN ID 66011)  
Attorneys for Plaintiffs

**RYBERG LAW FIRM, S.C.**

s/J. Drew Ryberg  
J. Drew Ryberg, #1015940  
Attorneys for Plaintiffs